

# United States Department of Agriculture

## BUREAU OF BIOLOGICAL SURVEY

### SERVICE AND REGULATORY ANNOUNCEMENTS

#### LAWS AND JOINT REGULATIONS OF THE SECRETARIES OF THE INTERIOR AND AGRICULTURE RELATING TO THE PROTECTION AND ADMINISTRATION OF GAME RANGES, OR WILDLIFE REFUGES, ESTABLISHED IN CONJUNCTION WITH THE ORGANIZATION OF GRAZING DISTRICTS UNDER THE TAYLOR GRAZING ACT<sup>1</sup>

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#### JOINT REGULATIONS OF THE SECRETARIES OF THE INTERIOR AND AGRICULTURE RELATING TO THE PROTECTION AND ADMINISTRATION OF GAME RANGES, OR WILDLIFE REFUGES, ESTABLISHED IN CONJUNCTION WITH THE ORGANIZATION OF GRAZING DISTRICTS UNDER THE TAYLOR GRAZING ACT

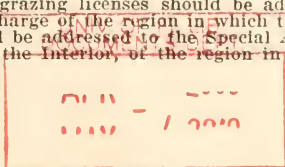
[2 F. R. 590]

By virtue of authority vested in the Secretary of the Interior by the Act of June 28, 1934 (48 Stat. 1229), and in the Secretary of Agriculture by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), and section 84 of the Penal Code of the United States as amended by the act of April 15, 1924 (43 Stat. 98), and pursuant to Executive Order No. 7373, of May 20, 1936, establishing the Desert Game Range, and like orders heretofore or hereafter made, establishing such game ranges, or wildlife refuges, the following regulations for the protection of wildlife, the regulation of grazing, and the administration of game ranges, or wildlife refuges, established in conjunction with the organization of grazing districts under the terms of the Act of June 28, 1934, commonly known as the Taylor Grazing Act, are hereby prescribed and shall be effective from March 1, 1937:

#### Regulation 1.—Protection of Wildlife

It is not permitted to hunt, trap, catch, disturb, or kill, or attempt to hunt, trap, catch, disturb, or kill any wild bird or other animal, or to take or molest the nests or eggs of such birds, on any such game ranges, or wildlife refuges, except when authorized by permit issued by or under the authority of the

<sup>1</sup>Applications for grazing licenses should be addressed to the Regional Grazier, Division of Grazing, in charge of the region in which the land is located. Permits to cut and remove timber should be addressed to the Special Agent in Charge, Division of Investigations, Department of the Interior, of the region in which the lands are located.



Secretary of Agriculture: *Provided*, That duly authorized grazing permittees and employees of the Departments of Agriculture and the Interior engaged in the control of predatory animals and rodents may trap or otherwise take such rodents, predatory animals, or predacious birds when in the opinion of the Chief, Bureau of Biological Survey, control measures are necessary to reduce the numbers of such animals or birds in order to safeguard the perpetuation of other species of wildlife, to protect livestock, or to conserve grazing resources, or to retard soil erosion.

### Regulation 2.—Acts not Permitted on Game Ranges, or Wildlife Refuges

The following acts are not permitted on lands of the United States within such game ranges, or wildlife refuges:

a. Setting on fire, or causing to be set on fire any timber, brush, or grass, except as authorized by the resident officer in charge of such area.

b. Building a camp fire in leaves, rotten wood, or other places where it is likely to spread; against large or hollow logs or stumps where it is difficult to extinguish it completely; or in any other dangerous place, or during windy weather, without confining it to holes or cleared spaces from which all vegetation or other inflammable material has been removed.

c. Leaving a camp fire unattended or not completely extinguished.

d. Disturbing, molesting, or interfering, by intimidation, threat, assault, or otherwise, with any person engaged in the management of wildlife or livestock on such ranges, or refuges, or the prevention of trespass thereon.

e. Unless authorized by permit from the resident officer in charge, the carrying of a firearm, except by authorized Federal or State officers.

f. Throwing or placing a burning cigarette, match, pipe heel, firecracker, or any ignited substance in any place where it may start a fire; or discharging any kind of fireworks on any part of such ranges, or refuges.

g. The destruction, injury, defacement, removal, or disturbance in any manner, of any building, notice, sign, signboard, equipment, fence, post, road, trail, dike, dike embankment, dam, bridge, or other structure, or of any other public property of any kind on such ranges, or refuges.

h. Entering, occupying, or using, without permission from the officer in charge, any building of the United States on such areas used for administration purposes by the Division of Grazing, of the Department of the Interior, or by the Bureau of Biological Survey, of the Department of Agriculture, except in case of emergency to prevent human suffering.

i. The entering or being upon such land with intent to destroy, molest, disturb, or injure property used, or acquired for use, by the United States, in the administration of such areas.

j. The dumping of garbage, or other refuse or debris, or the draining or dumping of oil, acids or poisons in, or otherwise polluting any waters, waterholes, or streams within any such ranges, or refuges.

### Regulation 3.—Grazing

No cattle, sheep, horses, or other livestock are permitted to graze on the public lands within the exterior boundaries of such game ranges, or refuges, except under permit of the Secretary of the Interior and in accordance with such conditions as he may prescribe therein, and no grazing is permitted on lands within the exterior boundaries of such game ranges, or refuges, which have been or which hereafter may be acquired by the United States for use of the Department of Agriculture for the conservation of migratory birds and other wildlife, except under permit of the Secretary of Agriculture and in accordance with such conditions as he may prescribe therein.

### Regulation 4.—Specimens for Scientific, Exhibition, or Propagating Purposes

Specimens of plant and animal life or other natural objects on any range, or refuge, may be taken for scientific, exhibition, or propagating purposes, under special permit issued by the Secretary of Agriculture and countersigned by the Chief, Bureau of Biological Survey, but no such permit shall be deemed to authorize the taking, possession, transportation, or sale of any wildlife, or the nests or eggs of birds, contrary to State or Federal law.

### Regulation 5.—Scientific Studies

Any person may enter upon any such range, or refuge, for scientific study, the taking of photographs thereon, or for other like purposes, but must comply with these regulations, and the rules for the administration of grazing districts.

### Regulation 6.—Removal of Surplus Animals

Whenever it shall appear after investigation that the number of any species of game animal on any such range, or refuge, shall have increased beyond the numbers specified in the Executive order establishing the particular range, it shall be the duty of the Chief, Bureau of Biological Survey, Department of Agriculture, and the Director, Division of Grazing, Department of the Interior, jointly to determine the number of surplus animals it is desirable to remove from such range, or refuge, and upon such determination such surplus animals may be removed under such conditions and in the manner authorized or prescribed by the Chief, Bureau of Biological Survey.

### Regulation 7.—Economic Utilization of Resources

Permits to cut and remove timber or firewood, occupy or cultivate areas, use any material of commercial value, or make other like use of any lands within the exterior boundaries of such ranges, or refuges, which lands have been or may hereafter be acquired by the United States for the use of the Department of Agriculture for the conservation of migratory birds or other wildlife, not inconsistent with the objects for which such ranges, or refuges, were established, may be issued by the Chief, Bureau of Biological Survey, upon such terms and at such rates of charge, if any, as may be ascertained and determined by him to be commensurate with the value of the privilege given by such permits. Permits for like purposes as to other lands within such ranges, or refuges, may be issued in conformity with rules and regulations of the Department of the Interior covering such usage: *Provided*, That in order to safeguard the food and cover requirements for wildlife, permits to remove timber or firewood from the range, or refuge, shall not be issued until applications therefor have first been approved by the resident officer of the Bureau of Biological Survey and timber permittees shall make such disposition of brush, tops, lops, slashings, and other forest debris resulting from timber operations as such officer may prescribe.

### Regulation 8.—Fishing

Any person may enter upon any range, or refuge, for the purpose of fishing in accordance with the laws of the State in which such range, or refuge, is located, but must comply with the provisions of these regulations, and the rules for the administration of grazing districts.

### Regulation 9.—Exhibition and Revocation of Permits

Permits shall be exhibited for inspection at any reasonable time upon request of any officer or employee of the Department of the Interior or of the Department of Agriculture engaged in the administration of such ranges, or refuges, or in the enforcement of laws and regulations applicable to wildlife. Any permit may be terminated at any time by agreement between the issuing officer and the permittee; it may be revoked by the Chief, Division of Grazing, Department of the Interior, or his designated representative, if issued by or under his authority, or by the Chief, Bureau of Biological Survey, or his designated representative, if issued by or under his authority, for noncompliance with the terms thereof or of these regulations, for nonuse, or for violation of any law or regulation applicable to the game range, or wildlife refuge, or of any State or Federal law protecting wildlife or the nests or eggs of birds; and it is subject at all times to discretionary revocation by the Secretary under whose authority it was issued.

[SEAL]

FEBRUARY 13, 1937.

[SEAL]

FEBRUARY 26, 1937.

H. A. WALLACE,  
*Secretary of Agriculture.*

CHARLES WEST,  
*Acting Secretary of the Interior.*



## LAW PROTECTING WILD ANIMALS AND BIRDS AND THEIR EGGS AND GOVERNMENT PROPERTY ON FEDERAL REFUGES

[U. S. Code, title 18, Criminal Code and Criminal Procedure]

SEC. 145. Whoever shall hunt, trap, capture, willfully disturb, or kill any bird or wild animal of any kind whatever, or take or destroy the eggs of any such bird on any lands of the United States which have been set apart or reserved as refuges or breeding grounds for such birds or animals by any law, proclamation, or Executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, or who shall willfully injure, molest, or destroy any property of the United States on any such lands shall be fined not more than \$500, or imprisoned not more than 6 months, or both. (Sec. 84, act of Mar. 4, 1909, as amended Apr. 15, 1924, 43 Stat. 98.)

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## EXTRACT FROM THE MIGRATORY BIRD CONSERVATION ACT

[U. S. Code, title 16, Conservation]

SEC. 715i. That no person shall knowingly disturb, injure, or destroy any notice, signboard, fence, building, ditch, dam, dike embankment, flume, spillway, or other improvement or property of the United States . . . or cut, burn, or destroy any timber, grass, or other natural growth . . . on any area of the United States which heretofore has been or which hereafter may be set apart or reserved for the use of the Department of Agriculture as a game refuge or as a preserve or reservation and breeding ground for native birds, under any law, proclamation, or Executive order, or occupy or use any part thereof, or enter thereon for any purpose, except in accordance with regulations of the Secretary of Agriculture . . . (Sec. 10, act of Feb. 18, 1929, 45 Stat. 1222.)

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## ACT REGULATING FIRES ON PUBLIC DOMAIN

[U. S. Code, title 18, Criminal Code and Criminal Procedure]

SEC. 106. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than \$5,000 or imprisoned not more than 2 years, or both. (Act of Mar. 4, 1909, sec. 52, 35 Stat. 1098.)

SEC. 107. Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than \$1,000 or imprisoned not more than 1 year, or both. (Act of Mar. 4, 1909, sec. 53, 35 Stat. 1098.)

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## LAW PROVIDING PUNISHMENT FOR KILLING OR ASSAULTING FEDERAL OFFICERS

[Act of Feb. 8, 1936, 49 Stat. 1105]

That whoever shall kill, as defined in sections 273 or 274 of the Criminal Code, any United States marshal or deputy United States marshal, special agent of the Federal Bureau of Investigation of the Department of Justice, post-office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer of the Customs Service or of the Internal Revenue Service, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture designated by the Secretary of Agriculture to enforce any act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, or any officer or employee of the Indian field service of the United States, while engaged in the

performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 275 of the Criminal Code.

SEC. 2. Whoever shall forcibly resist, oppose, impede, intimidate, or interfere with any person designated in section 1 hereof while engaged in the performance of his official duties, or shall assault him on account of the performance of his official duties, shall be fined not more than \$5,000, or imprisoned not more than 3 years, or both; and whoever, in the commission of any of the acts described in this section, shall use a deadly or dangerous weapon shall be fined not more than \$10,000, or imprisoned not more than 10 years, or both.

### FORM OF EXECUTIVE ORDER ESTABLISHING A GAME RANGE

By virtue of and pursuant to the authority vested in me as President of the United States and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, and subject to the conditions therein expressed and to all valid existing rights, it is ordered that the following-described lands, insofar as title thereto is in the United States, be, and they are hereby, withdrawn from settlement, location, sale, or entry and reserved and set apart for the conservation and development of natural wildlife resources and for the protection and improvement of public grazing lands and natural forage resources: *Provided*, That nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws: *Provided further*, That any lands within the described area that are otherwise withdrawn or reserved will be affected hereby only insofar as may be consistent with the uses and purposes for which such prior withdrawal or reservation was made: *And provided further*, That upon the termination of any private right to, or the appropriation of, any public lands within the exterior limits of the area included in this order, or upon the revocation of prior withdrawals unless expressly otherwise provided in the order of revocation, the lands involved shall become part of this preserve:

[*Here follows the description of lands included in the game range.*]

This range, or preserve, insofar as it relates to the conservation and development of wildlife, shall be under the joint jurisdiction of the Secretaries of the Interior and Agriculture, and they shall have power jointly to make such rules and regulations for its protection, administration, regulation, and improvement, and for the removal and disposition of surplus game animals, as they may deem necessary to accomplish its purposes, and the range, or preserve, being within grazing districts duly established pursuant to the provisions of the act of June 28, 1934, ch. 865, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, shall be under the exclusive jurisdiction of the Secretary of the Interior, so far as it relates to the public grazing lands and natural forage resources thereof: *Provided, however*, That the natural forage resources therein shall be first utilized for the purpose of sustaining in a healthy condition a maximum of [*the order will here set forth the primary species for which the range is established*], the primary species, and such nonpredatory secondary species in such numbers as may be necessary to maintain a balanced wildlife population, but in no case shall the consumption of forage by the combined population of the wildlife species be allowed to increase the burden of the range dedicated to the primary species: *Provided further*, That all the forage resources within this range, or preserve, shall be available, except as herein otherwise provided with respect to wildlife, for domestic livestock under rules and regulations promulgated by the Secretary of the Interior under the authority of the aforesaid act of June 28, 1934, as amended: *And provided further*, That land within the exterior limits of the area herein described, acquired and to be acquired by the United States for the use of the Department of Agriculture for the conservation of migratory birds and other wildlife, shall be and remain under the exclusive administration of the Secretary of Agriculture and may be utilized for public grazing purposes only to such extent as may be determined by the said Secretary to be compatible with the utilization of said lands for the purposes for which they were acquired as aforesaid under regulations prescribed by him.

The reservation made by this order supersedes as to the above-described lands the temporary withdrawal for classification and other purposes made by Executive order no. [*temporary withdrawal orders are superseded by the orders establishing the ranges*].

This preserve shall be known as the ——— Game Range.



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